

**Minutes
Williamson County
Board of Zoning Appeals
November 16, 2006**

Members Present

Dave Ausbrooks, Chairman
Ed Jagers, Co-Chairman
Don Crohan
Steve Wherley
Sue Workman

Staff Present

Lee Sanders
Linda Hodges
Brenda Midgett
Bobby Cook, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on November 16, 2006, in the Auditorium of the Williamson County Administrative Complex. Chairman Dave Ausbrooks opened the meeting with a public statement that he read stating that the Board of Zoning Appeals is made up of five citizens nominated as Board members by the County Mayor. One member is a Planning Commissioner, one member may be a County Commissioner and the remaining members are not otherwise connected with County Government. He went on to say the Board will hear from anyone who has anything to say to the Board relevant to the request at hand. However, the Board will not view or hear anything that does not have direct bearing on the item being heard. He requested that all comments be addressed to the Board.

Chairman Ausbrooks then asked the members to consider the minutes. Don Crohan made the motion to approve the minutes of the October 26, 2006, meeting as printed, and Steve Wherley seconded the motion. The motion was unanimously approved.

ITEM 1

A request by Sam & Leslie Lynch for a variance of floodplain regulations to allow a barn on a vacant lot located at 3370 Southall Road. The property is zoned Estate and is located in the 2nd district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). The overhead projector was utilized to view the tax map and site plan. Lee Sanders indicated to the Board the proposed location of the barn and that construction had started and the poles were erected, but no roof was built. Mr. Sanders stated this is a request to build a barn to be used as an accessory structure and at present there is no residence on the property. He stated the proposed site for the barn is in the 100 year floodplain, but not in a floodway according to Flood Insurance Rate Map, Williamson County Panel 190 of 485. The property is located in a convergence of Leipers Creek and the West Harpeth River. Without a residence on the lot to determine side or rear yard, default setback is 200' front, and 50' side.

Chairman Ausbrooks asked staff to state the definition of a floodplain and a floodway.

Lee Sanders explained that a floodway covers the property with flowing waters and floodplain is when the floodwaters simply back up onto the property. Williamson County prohibits structures from being built in the 100 year floodplain as well as the floodway.

Kristi Earwood and Leslie Lynch represented the item. Ms. Earwood stated a survey was performed after deferring from last month's BZA meeting. A copy of the survey of the floodplain done by Joey Wilson was submitted to the Board showing the barn at an elevation of 644.4. She stated the applicants were not aware of a need for a permit for a pole barn. Ms. Earwood stated the barn would be used for storage of equipment only as an agricultural use. She stated the applicants would be willing to sign an agreement stating the barn would not have an apartment or be used as a commercial site. Ms. Earwood stated the property has a natural berm and a stone wall that would help keep water from flooding the site. She stated Federal guidelines do not prohibit barns in the floodplain. Ms. Earwood stated the owners want to place the barn in the back of the property in order to deter theft of the equipment and to lessen the impact on the viewshed of Southall Road.

Ms. Lynch stated this was their dream site. She stated they have already planted wild grasses, and 30 acres are not in the floodplain. Ms. Lynch stated the barn would be vulnerable to theft if placed in the front of the property, since a house has not been built on the property yet. She stated they would like to finish the barn.

Chairman Ausbrooks opened the hearing to the public.

Being no one to speak, Chairman Ausbrooks closed the hearing.

Chairman Ausbrooks stated the Board had three options in order to make their decision. 1.) Grant a variance. 2.) Not grant a variance, but allow structure to remain. 3.) Not grant a variance and recommend the structure be removed. Chairman Ausbrooks asked the applicant if the barn could be placed somewhere else.

Ms. Lynch stated probably, but there are trees they would like to keep and there are some rocks on the property.

Chairman Ausbrooks asked staff if there were any future changes to the zoning ordinance that would allow structures in the floodplain.

Lee Sanders stated none pending.

Don Crohan asked the applicant about the storage use of the barn.

Ms. Lynch stated the barn would only be used for storage of equipment. She stated a horse barn would be built at another location on six acres not in the floodplain. Ms. Lynch stated she has not investigated other areas for a possible site for this barn if it had to be placed in another location.

Don Crohan stated no house on this property makes the decision to approve this variance difficult and restricts the decision for a variance.

Chairman Ausbrooks stated that perhaps the applicant would like to withdraw in order to investigate another site.

Kristi Earwood stated the applicant would like to proceed with the hearing for the variance.

Chairman Ausbrooks asked staff if the 644.4 topo was for the pre-existing elevation at the barn site or floor grade level for the barn.

Kristi Earwood stated this was for the gravel level of the barn.

Don Crohan asked the Chairman to request staff to place the General Standards for a Variance on the overhead projector.

Don Crohan made a motion to deny the variance because it does not meet the criteria for Sections 9601 and 7111-E 2 of the zoning ordinance and no evidence was submitted to show it was an agricultural structure. He stated he had not seen or heard any special reasons why the barn could not be placed somewhere else and meet ordinance requirements. Chairman Ausbrooks seconded the motion. The vote was 4-1 with Chairman Ausbrooks, Steve Wherley, Sue Workman and Don Crohan voting yes in denying the variance and Ed Jaggers voted no.

ITEM 2

A request by Walter Totty (Craigfield Freewill Baptist Church, property owner) for a variance of the Landscape Surface Ratio and Floor Area Ratio to allow a kitchen addition. The property is zoned Rural and is located at 7699 Pinewood Road in the 1st district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). The overhead projector was utilized to view the tax map and site plan. Lee Sanders indicated to the Board the proposed location of the kitchen addition. He stated the proposed addition would not need additional septic installation and does not encroach any closer than the existing building to the property lines. Mr. Sanders stated the Church had tried to comply by buying adjoining land but could not purchase additional adjoining property, due to the owner's refusal to sell.

Walter and Conrad Totty represented the item. Walter stated this is a small Church in the County and the Church would like to have a kitchen with small counter space and to have indoor tables. Mr. Totty stated the Church plans to move the back wall further back and replace with a new wall.

Chairman Ausbrooks opened the meeting to the public.

Thomas Luther, Pastor of the Church, stated there are a lot of little Churches on Pinewood Road, but their's is the largest. He stated the land was given to the Church when property in Williamson

County was not worth much. Mr. Luther stated he would like the Board to approve this request for a variance.

There being no one else to speak, Chairman Ausbrooks closed the public hearing.

Board of Zoning Appeals Minutes

November 16, 2006

Page 4

Sue Workman asked Mr. Totty if the Church could acquire additional land, how much would the Church need.

Mr. Totty stated two acres in order to keep from having to need a Landscape Surface Ratio and Floor Area Ratio variance. He stated under the regulations of the zoning ordinance regarding lot size, the Church needs a total of 4.1 acres.

Mr. Sanders stated if the lot was two acres and already existing as a non-conforming lot, it would not need a variance because it would accommodate the Landscape Surface and Floor Area Ratios.

Conrad Totty stated there was no place to eat inside with a crowd. He stated the Church could not purchase adjoining land. Because they have a small lot that pre-dated current zoning, they need a variance to add onto the Church.

Chairman Ausbrooks asked the applicant if land could be leased from the adjoining property owner.

Thomas Luther stated because of the refusal given to the Church by the adjoining property owner regarding purchase of the adjoining land, he knew the owner would not allow them to lease.

Don Crohan made a motion to approve due to the circumstances of lot size as noted in Section 9601 of the zoning ordinance, and since the Church tried to comply by trying to purchase additional land. He stated as a condition of approval, he wants the Church to present to staff a letter from the adjoining property owner, stating his refusal to sell any additional land. County Attorney Bobby Cook was asked by Chairman Ausbrooks if he would draw up a legal letter for the applicant. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

There being no further business to come before the Board, meeting was adjourned.

Secretary's Signature

Date